

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

UNITED STATES OF AMERICA) CRIMINAL NO. 4:07-1172
vs.)
MIKIL RASHEN KING,) MOTION TO CORRECT
Defendant.) (Rule 35(a))

COMES NOW THE DEFENDANT, Mikil Rashen King, by and through his undersigned counsel of record, who moves this Court to correct the error in his Judgment filed November 24, 2008, to reflect the Court's Order to give the Defendant credit for the time that he is now serving in State prison.

This Motion was not filed within seven days of the entry of Judgment as required by the Rules due to the following circumstances: On November 25, 2008, counsel contacted the Probation Officer who prepared the Presentence Investigation Report, Van N. Benson, who advised counsel that he would bring this matter to the attention of the Courtroom Deputy in this case. On December 2, 2008, counsel again telephoned the Probation Officer who informed him that he had talked to the Courtroom Deputy and that she advised the Probation Officer that she would correct the error. No such correction has been forthcoming.

Respectfully submitted,

/s/ Thomas G. Nessler, Jr.

Thomas G. Nessler, Jr., #2517
Attorney for the Defendant
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Surfside Beach, SC 29575
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December 6, 2008

MOOT

Terry L. Wooten 1-26-10
TERRY L. WOOTEN
U. S. DISTRICT JUDGE

DATE

Re: Amended Sentence
Order Filed - State/Federal
Sentence non-concurred

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